

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROCHE DIAGNOSTICS GMBH, et al.,

Plaintiffs,

-v-

ENZO BIOCHEM, INC., et al.,

Defendants.

04 Civ. 4046 (RJS)

**ORAL ARGUMENT  
REQUESTED**

**RENEWED NOTICE OF ROCHE'S MOTION FOR SUMMARY JUDGMENT  
ON NON-PATENT CLAIMS AND RELATED DEFENSES**

PLEASE TAKE NOTICE that pursuant to the Court's January 30, 2013 Order (Dkt. No. 98), defendants Roche Diagnostics GmbH and Roche Molecular Systems, Inc. (collectively "Roche") hereby file this Renewed Notice of Motion, and further move this Court for an Order pursuant to Federal Rule of Civil Procedure 56 granting Roche's Motion for Summary Judgment on Non-Patent Claims and Related Defenses. Roche incorporates by reference as if fully set forth herein the following: Roche's December 21, 2012 Memorandum in Support of Roche's Motion for Summary Judgment on Non-Patent Issues and Defenses (Dkt. No. 94 – filed under seal), the accompanying declaration of Robert J. Gunther, Jr. (Dkt. No. 94 – filed under seal), and all of the exhibits attached to that declaration (Dkt. No. 94 – filed under seal), Roche's statement pursuant to Local Rule 56.1 (Dkt. No. 94 – filed under seal), all prior pleadings, papers and proceedings herein, and all other matters as to which the Court must or may take judicial notice.

Dated: April 11, 2013

/s/ Robert J. Gunther, Jr.

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